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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/852,883 | 05/11/2001 | Steven J. Vornsand | 7187 | 5408 |

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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/852,883 | Applicant(s) VORNSAND, STEVEN J. | |
| | Examiner BRIAN P. YENKE | Art Unit 2622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (09 Mar 06).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 09 Mar 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the claims include “change of its operational status” and “indicating” performance in claims 31 and 47 and “on and off status” as amended in claims 48 and 50. Thus the rejection below will address previous versions of claims 31 and 47, whereas newly presented claims 48 and 50 will not be rejected based upon their new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Response to Arguments

Applicant's arguments filed 09 Mar 06 have been fully considered but they are not persuasive.

Regarding arguments with respect to newly amended independent claims, the examiner will not address such arguments, since the claims now include the issue of “new matter” as stated above. The examiner therefore maintains the grounds of the previous rejection.

a) Pertaining to applicant's arguments that Ben-Ze'ev does not disclose that the alert signal is in response to a command signal.

a) The examiner disagrees. Ben-Ze'ev discloses the ability for the use of a remote control device to control the appliances in a household, including multiple TV's in addition to

household appliances such as a kettle. Ben-Ze'ev also discloses that the appliance (i.e. kettle) completes the function set by the user (i.e. kettle reaches boiling temperature set by user) an alarm (including sound and display) will activate on the remote—informing the user of such completion.

b) Pertaining to the applicant's arguments that Davies only discloses one television and does not provide the remote any way to identify the television.

b) The examiner agrees that Davies only discloses the use of one television. However, as stated in the rejection, the use of multiple televisions in an household (environment) is an obvious modification as taught by Ben-Ze-'eve since most households typically include more than one television. Additionally, Davies does disclose the concept of sending confirmation signals indicating that the appliance (TV) received and executed the user's command. The examiner agrees that Davies does not disclose identifying which TV the command came from, since Davies only disclose one TV, thus there would be no ambiguity to the user on which TV performed the operation, since the user can only control one. Although as stated in the rejection, if Davies was modified with Ben-Ze'ev, the system would control more than one television, and thus it would be obvious to inform the user who had control of all the TV's, that the requested TV(s) performed the operations, which would allow the viewer to ensure all commands were executed or not, along with the identity of the devices as taught by Ben-Ze'ev.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2a. Claims 31-47, 49 and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over

Davies, US 6,753,790 in view of Ben-Ze'ev, US 6,791,467.

In considering claims 31, 41-42 and 46,

a) the claimed a host device having a host processor... is met by remote controller (300) which processes received signals, where the system can toggle between reception/transmission (receiver/transmitter) via IR/RF (via toggling 360), utilizing user control input 310/user interface 330, where detector 320 detects whether the remote controller is within a feedback range of a target device.

b) the claimed a television processor... is met by a target device which may be a television set (col 3, line 6-22) where the television set receives/processes the request from the user via the remote controller (300) and when the user is in a location where the confirmation via a "line-of sight" is not possible, the TV sends a signal back confirming that the control signal was successfully sent to and executed by the target device (col 1, line 53-62).

However, Davies does not explicitly recite a "plurality of dispersed televisions" (limitation b), nor determining which televisions (plural) do not transmit the confirmation signals. Davies discloses a system where the user may activate target devices (i.e. audio, video and television devices) where the user can activate and receive confirmation on the remote (via the target device) by being in a different room than the target device.

Although, the use of more than one television is notoriously well known in the art, as also stated by applicant (background pages 1-2), the examiner incorporates Ben-Ze'ev which discloses a single master adaptive remote controller which is able to control the appliances in a household including multiple TV's (Fig 1). Ben-Ze'ev also is able to interrogate the appliances periodically to ascertain their status (on, off etc...(col 10, line 49-65) and to also receive confirmation that an appliance has executed/performed a commanded function (col 13, line 44-50)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses a system which allows the user to control and receive confirmation from target devices, by being in a different room than the device, where Davies discloses a separate room may includes a television, with Ben-Ze-ev by allowing the user to interact with all the televisions/target devices in a dwelling (multiple rooms, house), thereby providing the user(s) the ability to control (receive confirmation from) all the televisions/target devices the user(s) has/have access to with a single remote control.

In considering claim 32 and 43,

Davies discloses that the command and confirmation signals may be IR or RF (Fig 3), based upon the feedback range where the feedback range, may be an audible hearing distance or a definitive distance (i.e. ten meters) (col 3, line 31-37).

In considering claims 33 and 37,

Davies discloses a remote controller, which operates as the host and peripheral device, where the remote is responsive to a user input to generate a control signal.

In considering claims 34,

Davies does not explicitly disclose the target devices including peripheral devices such VCR and DVD player, and a host device such as a PC. Davies does disclose that target devices such as electronic equipment such as audio and video devices, including televisions, including a remote which may be formed via a PDA (personal digital assistant).

However, Ben-Ze'ev discloses the use of a VCR (Fig 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses the control of target devices within/outside of a room, with Ben-Ze'ev by controlling all the devices that are included in the household (i.e. VCR), thereby giving the user complete control over the target devices he/she has access to in their dwelling.

In considering claims 35,

Neither Davies nor Ben-Ze'ev disclose the peripheral device comprising a digital video disc player.

However, a digital video disc player is a notoriously well known appliance which is used in conjunction with a TV, thus the examiner takes "OFFICIAL NOTICE" regarding such a peripheral device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies and Ben-Ze'ev which disclose a system which is able to command/control all the appliances in a household and ascertain the execution of a command/control function, by controlling all appliances including a digital video disc player if available, in order to provide the user control over all available appliances.

In considering claim 36,

Ben-Ze'ev discloses that the remote controller may be part of a PDA (personal digital assistance) device (i.e. personal computer).

In considering claims 38 and 47,

The claimed processor is met by the television, which receives, transmits and processes the signals between the target devices and the remote.

Although, Davies/Ben-Zee's do not explicitly disclose a timer, Davies discloses the control via transmission/reception of peripheral devices, which are integrated into the entertainment system, thereby being able to control multiple devices in a logical/desired sequence. Ben-Ze'ev does disclose a "predetermined period" in the time period to wait for a receipt from an appliance/external device (col 11, line 2-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the confirmation of an executed operation, by confirming to the user in a desired time period (i.e. using a timer) where conformation maybe within any user desired preset reasonable time (i.e. meeting the claimed .1 or .5 seconds) to inform the user that the command executed has been performed.

In considering claims 39-40, 42 and 45,

The combination of Davies/Ben-Ze'ev do not explicitly recite the confirmation signals comprising a 1200 baud, 8 bits byte, 1 start bit, 1 stop bit, no parity format packet modulated onto a 40 KHz carrier wave, including a command identifier byte, data value byte and check sum byte.

There are multitude of interface available to the user/designer, i.e. RS-232, RS-422, RS-423 and RS-485, of course based upon the needs of the user and equipment/peripheral devices being used.

Thus the examiner takes "OFFICIAL NOTICE" regarding the use of a signal, which may include the parameters as claimed, since there are a multitude of conventional transmission/reception schemes available to a designer/user. The examiner also requests the applicant to provide the inventive steps regarding the claimed subject (i.e. is the applicant claiming this is a novel transmission/reception scheme, which was never used/known by others before the applicant discovered it?). The examiner's position is based upon conventional software/hardware which is purchased off the shelf can perform the reception/transmission scheme including that which is claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the control of target devices of an entertainment system which may be located in or outside the room of the user, by transmitting/receiving the control/confirmation signals by a conventional/off the shelf protocol scheme.

In considering newly added claims 49 and 51,

Both Davies and Ben-Ze'ev disclose the conventional capability of a remote changing a channel on a TV/appliance.

Ben-Ze'ev further discloses that this information (status information indicating channel number) may be updated by the user via remote where the user may use the remote to update the appliance to record at a particular time/channel and also ascertain the current status of such devices (i.e. currently recording channel 5).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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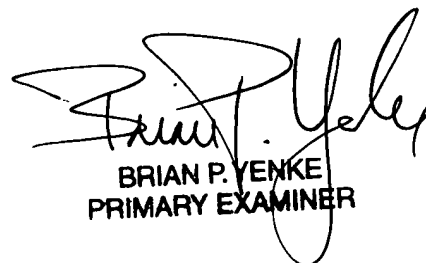
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B.P.Y.
16 May 2006



BRIAN P. YENKE
PRIMARY EXAMINER